

By Yat

Y C.R. No. 102

CONCURRENT RESOLUTION

1 WHEREAS, Capital City Leasing, Inc., Norman Horowitz, and  
2 G. J. Roddy allege that:

3 (1) Capital City Leasing, Inc., submitted a bid to the  
4 State Purchasing and General Services Commission in response to an  
5 invitation to bid for a telephone system for several offices of the  
6 attorney general's department;

7 (2) in February 1986 and March 1986, respectively, the  
8 State Purchasing and General Services Commission accepted the bid  
9 and issued Purchase Orders No. BC 99306 and No. BC 99312;

10 (3) Capital City Leasing, Inc., placed all necessary  
11 orders with its vendors to meet the requirements of the purchase  
12 orders and took other steps to fulfill the terms of the purchase  
13 orders;

14 (4) Capital City Leasing, Inc., received certificates  
15 of acceptance No. M-416 dated March 24, 1986, and No. M-423 dated  
16 May 19, 1986, signed by Sylvia Wier, Telecommunications Director of  
17 the attorney general's office;

18 (5) Capital City Leasing, Inc., received partial  
19 payments on the contracts, each with an agency certification that  
20 the equipment met all specifications and was operating properly;

21 (6) the State Purchasing and General Services  
22 Commission later advised Capital City Leasing, Inc., that the  
23 purchase orders were canceled and they were stopping payments for  
24 the equipment;

1           (7) the cancellation of the purchase orders was  
2 wrongful; and

3           (8) Capital City Leasing, Inc., assigned all its  
4 rights to Norman Horowitz and G. J. Roddy, and they are entitled to  
5 relief for all damages they have suffered from the cancellation of  
6 the purchase orders; now, therefore, be it

7           RESOLVED by the Legislature of the State of Texas, That  
8 Capital City Leasing, Inc., Norman Horowitz, and G. J. Roddy are  
9 granted permission to sue the State of Texas and the State  
10 Purchasing and General Services Commission subject to Chapter 107,  
11 Civil Practice and Remedies Code, as added by Chapter 524, Acts of  
12 the 70th Legislature, Regular Session, 1987; and, be it further

13           RESOLVED, That the chairman of the State Purchasing and  
14 General Services Commission be served process as provided by  
15 Section 107.002(a)(3), Civil Practice and Remedies Code, as added  
16 by Chapter 524, Acts of the 70th Legislature, Regular Session,  
17 1987.

\* H. C. R. No. 102

By yzt

HOUSE CONCURRENT RESOLUTION

granting Capital City Leasing, Inc., Norman Horowitz, and  
G. J. Roddy permission to sue the state and the State Purchasing  
and General Services Commission.

FEB 20 1989

1. Filed with the Chief Clerk.

FEB 21 1989

2. Read first time and referred to Committee on

Judicial Affairs

3. Reported <sup>favorably</sup> (as amended) and sent to Printer at \_\_\_\_\_ : \_\_\_\_\_ M.  
unfavorably (time)

4. Printed and distributed at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

5. Sent to Committee on Calendars at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

6. Read and (adopted) (failed) (as amended) by a (Non-Record Vote) (Record Vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Ordered Engrossed \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

8. Engrossed.

9. Returned to Chief Clerk at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)

10. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_ 11. Received from the House.

\_\_\_\_\_ 12. Read first time and referred to Committee on \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 13. Reported favorably.

\_\_\_\_\_ 14. Ordered not printed by the Senate.

\_\_\_\_\_ 15. Immediate consideration ordered by (unanimous consent)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

\_\_\_\_\_ 16. Read and adopted.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 17. Returned to the House.

\_\_\_\_\_ 18. Received from the Senate (with amendments).

\_\_\_\_\_ 19. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 20. Conference Committee Ordered.

\_\_\_\_\_ 21. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 22. Ordered Enrolled at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)